

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

TOMMY LEE STONE
ADC #90693

PLAINTIFF

v.

No. 5:07CV00019 JLH/JTR

WEST, Mailroom Clerk, Cummins Unit; and
GAYLON LAY, Warden, Cummins Unit

DEFENDANTS

ORDER

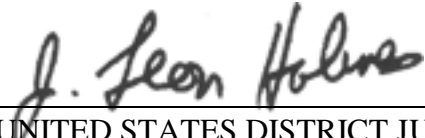
The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED that:

1. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, Defendant Lay is DISMISSED, WITHOUT PREJUDICE, due to Plaintiff's failure to state a viable claim against him.
2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.
3. Plaintiff shall proceed with his access to the courts claim against Defendant West.
4. The Clerk is directed to prepare a summons for Defendant West, and the United States Marshal is directed to serve the summons, the Complaint (docket entry #2), and this Order

upon him through the ADC Compliance Division, without prepayment of fees and costs or security therefor.¹

Dated this 1st day of March, 2007.


UNITED STATES DISTRICT JUDGE

¹ If Defendant is no longer an ADC employee, the ADC Compliance Office shall file, with the return of unexecuted service, a **SEALED** Statement providing his last known private mailing address.